

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FOUNDATION MINERALS, LLC
Plaintiff,

v.

BERT MADERA, MONTIE CAROL
MADERA, DICK MCCALL, MILDRED
MCCALL, PITCHFORK CATTLE
COMPANY, LLC, and OZARK
ROYALTY COMPANY, LLC, aka and/or
dba OZARK ROYALTY CO., LLC
Defendants.

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Case No. 2:17-CV-01099 CG-KRS

MOTION TO DISMISS WITHOUT PREJUDICE

Plaintiff, FOUNDATION MINERALS, LLC, by and through its counsel, hereby moves the Court for an order dismissing, without prejudice to the right to refile, all claims that were brought in this action by Plaintiff against all of Defendants, BERT MADERA and MONTIE CAROL MADERA, DICK MCCALL and MILDRED MCCALL, PITCHFORK CATTLE COMPANY, LLC, and OZARK ROYALTY COMPANY, LLC, a/k/a and/or d/b/a OZARK ROYALTY CO., LLC.

WHEREFORE, Plaintiff moves the Court for an order dismissing, without prejudice to the right to refile, all claims that were brought in this action by Plaintiff against Defendants, and further that Plaintiff shall bear its own attorneys' fees and costs.

Respectfully submitted,

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By: /s/ Jason B. Hamm
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Attorney for Plaintiff